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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 2486/2020, CRL.M.A. 17605/2020 & CRL.M.A. 17606/2020

RAJEEV BHARDWAJ

..... Applicant

Through: Mr.Mohit Mathur, Sr. Advocate with
Mr.Vijay K.Singh, Advocate.

Versus

THE STATE & ANR.

.....Respondent

Through: Ms.Meenakshi Dahiya, APP for State.
None for R-2.

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **18.12 .2020**

(hearing through Video Conferencing)

CRL.M.A. 17606/2020 (Ex.)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 2486/2020 & CRL.M.A. 17605/2020

Initial submissions have been made on behalf of the petitioner.

Qua the prayer made on behalf of the petitioner seeking the quashing of the Criminal Complaint No.2/2019 pending before the learned Court of Special Judge, PC Act, CBI-20, Rouse Avenue, New Delhi whereby the petitioner is stated to have been summoned qua the alleged commission of offences punishable under Section 120B/167/197/200/418/420/465/471/34 of the Indian Penal Code, 1860 and Section 13(1)(d) r/w Section 13(2) of the Prevention of Corruption Act, 1988 submitting to the effect that the petitioner was a public servant



and no requisite sanction had been granted for institution of the prosecution under the Prevention of Corruption Act and that furthermore, the respondent no.2 had not even sought the requisite sanction against the petitioner herein as stated to be erroneously observed through the impugned order dated 06.10.2020 of the learned Special Judge observing to the effect that the applicant having sought prosecution of the respondent no.2 from the Competent Authority, had not received any reply refusing sanction to prosecute within a period of 3 months and thus, there was deemed sanction for prosecution of the public servant (which would apparently include the prayer for prosecution inclusive qua the petitioner).

Notice of the petition and of the accompanying application is issued to the State and is accepted by the learned APP on behalf of the State. Notice thereof be issued to the respondent no.2 on taking of steps by the petitioner, process returnable for 29.01.2021.

The cross-examination on behalf of the respondent no.2 be deferred by the learned Trial Court to a date after the proceedings before this Court.

The matter be re-notified for 29.01.2021.

ANU MALHOTRA, J

DECEMBER 18, 2020

'neha chopra'